

Dear Administrator Jackson

This letter is meant to serve as the comment of the Otsego County Soil & Water Conservation District on your agencies intention to designate the New York portion of the Susquehanna River watershed as a Total Maximum Daily Load (TMDL) waterway.

The prolonged degradation of water quality of the Mid-Atlantic States and its subsequent impact on the biology of the Chesapeake Bay continues to be an ecological disaster for the region and the country. That the water flowing into the Bay from the Susquehanna has to be cleaner in order for those ecosystems to recover has been known for many years. As the watershed was studied, measured and modeled, by your and other agencies, estimates were made of the relative contribution of sources basin wide and by state.

It must be said that the Chesapeake Bay computer model that has evolved over the past five years to frame this TMDL process is flawed in many respects and we would like to associate ourselves with the comments of the New York State Department of Environmental Conservation (DEC), the Upper Susquehanna Coalition (USC), Cornell University and others on the many aspects of the model that do not accurately reflect nutrient and sediment export from New York.

However, even if an over estimation, that analysis has concluded that New York contributes a very small portion of the overall load to the Chesapeake Bay; less than 10% of either the nitrogen (TN), phosphorus (TP) or sediment (TSS) total loads. Bay modeling, monitoring and analysis make clear the understanding that baseline water quality in the New York portion of the Bay watershed is cleaner than that of any other contributing state and has trended upwards since 1985. Had it been measured, it is likely that this trend would have been shown to begin at the turn of the century with the loss of the industrial manufacturing, agricultural and logging sectors from the region and as secondary growth forest ecosystems began to replace each to become the dominate land-use – a trend that continue to this day.

The very high quality of New York's headwaters also comes from a long track record of implementing nonpoint source best management practices and adherence to strict point source regulations established by the southern tier's network of natural resource professionals, farmers, landowners and municipalities.

A general understanding of the role of headwaters in watershed-wide nutrient transport and the impact of conservation practices and a specific observation of the southern tier's history and it's small contribution to the Bay system, demonstrates that a headwaters function in a watershed is, in fact, one of supplying clean water to the system. The model got this right.

Unless something reverses the long-term trends mentioned above, it is likely that the quality of the water leaving New York and entering Pennsylvania will remain very high and that New York will never be a significant source of the Bay's pollution.

It's from this perspective that we view the proposed reductions for New York (XX% TN, XX% TP and XX%TSS) as surprising, unrealistic and disappointing; surprising because the proposal is not reflective of

an understanding of the role of headwaters in watershed dynamics; unrealistic given the highly unfavorable cost benefit ratio and its long term negative impact to the region; and disappointing because it was the result of a human decision making process.

The conclusion of the scientific community, natural resource professionals, municipal officials and elected representatives from across the southern tier is that reductions of this nature are impossible for New York – a sound rejection. That deep reductions were decided on for New York demonstrates a misunderstanding of the relevant circumstances in New York; good water quality locally, trends and practices in local agriculture and point sources, climate, demographics, declining economy, etc.

Given the general level of understanding of watershed systems, the amount of time put into preparing for this TMDL by New York's natural resource professionals, 5 years myself, all the data provided to the Chesapeake Bay program and all the meetings on this topic, the New York policy can only be seen as a result of a lack of effective communication.

On November X in Owego New York, four hours prior to the Public Comment offered by EPA in Binghamton New York, a meeting was held between representatives of DEC, USC and its member Soil and Water Conservation Districts, Cornell University, New York Farm Bureau and New York Agriculture and Markets and Rich Batiuk and Bob Koroncai representing the EPA. This was a 'stakeholders' meeting that offered an opportunity for those from New York more familiar with the details of the model and the specific problems, often 'New York specific' problems, associated with the TMDL in general (economic, political, etc) to speak directly with EPA officials.

Mr. Koroncai described a 2-3 year process of TMDL development with multi-state negotiations and input, but where New York was not regularly represented. Mr. Batiuk described an admiration for the role of the Upper Susquehanna Coalition earned over several years prior, but a true understanding of NY's position was not successfully communicated to those ultimately making the decisions. Neither could describe the level of understanding of those making the final decisions.

I recount this story to you only as an illustration of the problem. There is too much at risk for the possibility of an ill informed decision.

Administrator Jackson, the comments of the Otsego County Soil and Water Conservation District come in the form of two suggestions; we urge you redouble your efforts to establish a vigorous partnership with New York stakeholders in the further development of the TMDL's for New York and accept the WIP as proposed by the State of New York as realistic and achievable plan for our portion of the watershed.

Sincerely,

Scott Fickbohm

Otsego County Soil and Water Conservation District Manager

Upper Susquehanna Coalition Member